

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**MARCUS DEON COTY,**

**Defendant.**

**8:15CR194**

## ORDER

This matter is before the court on the oral motion of defendant Marcus Deon Coty for a continuance of the trial now scheduled for August 18, 2015. The motion was made following the appointment of new counsel for Coty on August 11, 2015. The government had no objection to the motion. Coty acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

**IT IS ORDERED:**

1. The motion for a continuance of trial is granted.
2. Trial of this matter scheduled for August 18, 2015, is cancelled and is rescheduled to commence before Chief Judge Laurie Smith Camp and a jury **at 8:30 a.m. on October 13, 2015**, in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from August 11, 2015, and October 13, 2015**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 11th day of August, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge